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09/905,792	07/13/2001	Hao-Chih Chen	B-4238 618932-3	4932

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EXAMINER

DI GRAZIO, JEANNE A

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/905,792

Applicant(s)

CHEN, HAO-CHIH

Examiner

Jeanne A. Di Grazio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 3 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claims***

Claims 1-2, 4-5, and 7-9 remain pending. New claims 10 and 11 are added.

### ***Priority***

Priority to TW-90100899 (Jan. 16, 2001) is claimed.

### ***Allowable Subject Matter***

Claims 3 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by

Applicant's Admitted Prior Art (APA)(Figure 1B).

Per claims 1 and 7-11: Figure 1B discloses a conventional backlight unit for a liquid crystal display and has a light guide plate (40) having a light receiving lateral side, a first coupling lateral side, and a second coupling lateral side, the first coupling lateral side having a

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first coupling member (42 and also 15) and the second coupling lateral side having a second coupling member (42 and also 15);

a reflector (30) disposed along the light receiving lateral side, said reflector having a reflective cover, an opening, a first holder (projection 32) and a second holder (not shown), the opening positioned toward the light receiving lateral side, the first holder (projection 32) extending toward the first coupling lateral side and the second holder extending toward the second coupling lateral side, the first holder having a first linking member (35), and the second holder having a second linking member (not shown); and

a light source (lamp 34) installed inside the reflector (30), the light emitted from the light source being reflected by the reflective cover and transmitted to the light guide plate,

wherein the first and second coupling members (42 and also 15) are respectively combined with first and second linking members (35) for assembling the reflector and the light guide plate, and a predetermined distance is formed between the light source and the light guide plate (when the coupling and linking members are joined a predetermined must be formed between light source and light guide plate).

The unit further comprises a reflecting sheet (20) under the light guide plate and diffusing means (50), diffusing sheet (52), prism sheet (54), and protecting film (56).

As to new claims 10 and 11, when the light source (lamp 34), the reflector (30), reflective cover, the first linking member (42, 15), the second linking member (42, 15), the first holder, and the second holder are all assembled, the conventional backlight unit for a liquid crystal display results in one combined, integral piece.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over APA.

Per claim 2: APA discloses the claimed invention except for that the first coupling member is a protrusion, the first linking member is a recess, and the protrusion is positioned in the recess when the first coupling member combines with the first linking member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a first coupling member as a protrusion instead of a recess and the first linking member a recess instead of a protrusion, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA.

Per claims 4 and 5: APA discloses the claimed invention except for the protrusion having a wedged / triangular wedged shape. It would have been an obvious matter of design choice to have a protrusion of a wedge or triangular wedge shape since such a modification would have involved a mere change in size of the component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Claims 1 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miwa (US 6,512,557 B1).

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Per claims 1 and 7-11: Miwa discloses an optical plate (8) having a light receiving lateral side, a first coupling lateral side, and a second coupling lateral side, the first coupling lateral side having a first coupling member (projection 13) and the second coupling lateral side having a second coupling member (projection 13);

a reflector (12) disposed along the light receiving lateral side, said reflector having a reflective cover, an opening, a first holder and a second holder (not shown), the opening positioned toward the light receiving lateral side, the first holder extending toward the first coupling lateral side and the second holder extending toward the second coupling lateral side, the first holder having a first linking member, and the second holder having a second linking member (not shown); and

a light source (lamp 10) installed inside the reflector (12), the light emitted from the light source being reflected by the reflective cover and transmitted to the light guide plate,

wherein the first and second coupling members (projection 13) are respectively combined with first and second linking members (14) for assembling the reflector and the light guide plate, and a predetermined distance is formed between the light source and the light guide plate (when the coupling and linking members are joined a predetermined must be formed between light source and light guide plate)(columns 6 and 7, entire patent).

Miwa does not appear to explicitly specify that the reflector has a first holder and a second holder, the opening positioned toward the light receiving lateral side, the first holder extending toward the first coupling lateral side and the second holder extending toward the second coupling lateral side, the first holder having a first linking member, and the second holder having a second linking member; however, it would have been obvious to one of ordinary skill in

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the art at the time the invention was made to modify the reflector since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

As to new claims 10 and 11, when the light source (lamp 10), the reflector (12), reflective cover, the first linking member (14), the second linking member (14), the first holder, and the second holder are all assembled, the liquid crystal display device and portable information terminal of Miwa results in one combined, integral piece.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miwa (US 6,512,557 B1).

Per claim 2: Miwa discloses the claimed invention except for that the first coupling member is a protrusion, the first linking member is a recess, and the protrusion is positioned in the recess when the first coupling member combines with the first linking member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a first coupling member as a protrusion instead of a recess and the first linking member a recess instead of a protrusion, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miwa (US 6,512,557 B1).

Per claims 4 and 5: APA discloses the claimed invention except for the protrusion having a wedged / triangular wedged shape. It would have been an obvious matter of design choice to have a protrusion of a wedge or triangular wedge shape since such a modification would have

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involved a mere change in size of the component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

### ***Response to Arguments***

Applicant's arguments filed 29 February 2004 have been fully considered but they are not persuasive.

Applicant's ONLY argument is that APA Figure 1B and Miwa (US 6,512,557 B1) do not have a light guide plate **combined** with the reflector (Amendment of 29 Feb. 2004, Page 6).

It is respectfully pointed out that "combined" means "to bring into such close relationship as to obscure individual characters: MERGE" (Merriam Webster's Collegiate Dictionary 10<sup>TH</sup> Ed. Page 228).

When the conventional backlight unit as disclosed in APA Figure 1B is assembled, ALL components are combined together (merged) into one unit such that the light guide plate and reflector must necessarily be combined not just with each other but with all of the other components of the unit. If these elements were not somehow combined, the unit would not be a unit but would instead result in pieces.

The same argument applies to the liquid crystal display device and portable information terminal device of Miwa. If the light guide plate and reflector were not all assembled (combined, merged) together with the other components, the device would not be a device but would instead result in pieces.

Applicant's ONLY argument having been addressed by the Examiner, Applicant is considered to have acquiesced to the rejections concerning the dependent claims.



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanne A. Di Grazio whose telephone number is (571)272-2289.

The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached on (571)272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeanne Andrea Di Grazio

Robert Kim, SPE

Patent Examiner  
Art Unit 2871

  
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